

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN RE:

ANDREA J AVERILL

13396 LIME LAKE DR

SPARTA

MI 49345-0186

Case No: G G 14-04375

Date Filed: 6/26/14

Chapter 13

Honorable John T. Gregg

Debtor(s) /

**TRUSTEE'S MOTION TO DISMISS THE CHAPTER 13 PROCEEDINGS AND NOTICE OF
MOTION PURSUANT TO 11 U.S.C. 1307(c)**

The Chapter 13 Trustee, **Brett N. Rodgers**, hereby moves this Court to dismiss the above captioned Chapter 13 case for the following reasons pursuant to 11 U.S.C. 1307(c):

(X) 1307(c)(6) Material default by the debtor with respect to a term of a confirmed plan:

(X) Other: Bad faith in failing to commit all disposable income to the bankruptcy plan. Per debtor's 2016 tax return, debtor and non-filing spouse earned \$189,352 and were only scheduled to make \$132,324. After an approximate 30% tax rate, it appears debtor can commit an extra \$3,326.63 per month to the bankruptcy plan.

Note: As a result of the above Motion being made, your case could be converted to a Chapter 7 case.

NOTICE OF MOTION

Take notice that if a timely response is filed the within motion will be heard before the Honorable John T. Gregg on June 15, 2017 at 9:00 A.M. This hearing will be held at the U.S. Bankruptcy Court, One Division Ave NW, 3rd Floor, Courtroom C, Grand Rapids, MI 49503.

If you wish to oppose the Motion you must filed a written response with the Bankruptcy Court at One Division Ave. N, Room 200, Grand Rapids, MI 49503 and serve a copy upon the Chapter 13 Trustee at 99 Monroe Ave NW, Suite 601, Grand Rapids MI 49503 within 30 days of the date on which the Bankruptcy Noticing Center (BNC) served this Motion to Dismiss. The response filed must comply with Local Bankruptcy Rule 9013(d) and must state with particularity the reasons why the Trustee's Motion should not be granted. If a timely response is not filed, the Chapter 13 Trustee may at any time after the expiration of the 30 day period, file with the Court a certificate stating that no timely response or request for hearing has been filed together with a proposed Order Dismissing the case and cancel the scheduled hearing date as moot.

Dated: 4/21/2017

/s/ Brett N. Rodgers

Brett N. Rodgers, Trustee

PROOF OF SERVICE

This Motion to Dismiss was served electronically upon the attorney for the debtor(s), if applicable, and the debtor(s) by the BNC.

ATTORNEY FOR DEBTOR(S): CORWIN LAW & CONSULTING PLC